

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

CAROLYN S. MOHR, M.D.
Certificate # A-32065

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

IT IS SO ORDERED September 18, 1986

Don W. Simon

JOHN W. SIMMONS
Secretary-Treasurer
Division of Medical Quality

1 JOHN K. VAN DE KAMP, Attorney General
ROBERT McKIM BELL,
2 Deputy Attorney General
California Department of Justice
3 3580 Wilshire Boulevard, Suite 800
Los Angeles, California 90010
4 Telephone: (213) 736-2045

5 Attorneys for Complainant

6
7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
9 STATE OF CALIFORNIA

10
11 In the Matter of the Accusation) Case No. D-3471
Against:)
12)
CAROLYN STEVENS MOHR, M.D.) STIPULATED
13 336 East Hillcrest Blvd., Suite 507) SETTLEMENT AND
Inglewood, California 90301-2499) DISCIPLINARY ORDER
14)
Physician & Surgeon Cert. No. A-32065,)
15)
Respondent.)
16)
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18 IT IS HEREBY STIPULATED AND AGREED by and between the
19 parties to the above entitled proceeding that the following
20 matters are true:

21 PARTIES AND LICENSES

22 1. An accusation is currently pending against
23 Carolyn Stevens Mohr, M.D., said accusation having been filed
24 with the Division of Medical Quality of the Board of Medical
25 Quality Assurance of the State of California (hereinafter, the
26 "Division") on February 25, 1986.

27 2. The accusation was filed by Kenneth J. Wagstaff

1 in his official capacity as the Executive Secretary of the
2 Division.

3 3. At all times since March 23, 1978, respondent
4 Carolyn Stevens Mohr, M.D. (hereinafter referred to as the
5 "respondent") has held physician's and surgeon's certificate
6 number A-32065 issued by the Board of Medical Quality Assurance
7 permitting her to practice medicine in the State of California.

8 WAIVER OF RIGHTS

9 4. The respondent has retained James R. Lahana of
10 the law firm of McDermott & Traynor, Pasadena, California, to
11 act as her legal counsel.

12 5. The respondent and her attorney have fully
13 discussed the charges contained in the accusation and the
14 respondent has been fully advised of her rights.

15 6. Specifically, the respondent is aware of her
16 right to a hearing on the charges contained in the accusation,
17 her right to confront and cross-examine witnesses against her,
18 her right to reconsideration, appeal, and any and all other
19 rights which are available to her pursuant to the California
20 Administrative Procedure Act. The respondent hereby freely and
21 voluntarily waives and gives up her rights to a hearing, to
22 confrontation of witnesses, to reconsideration, to appeal, and
23 to all other rights which are available to her under the
24 California Administrative Procedure Act with regard to the
25 accusation.
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STATUTES ALLEGED

7. Pursuant to section 2004 of the Business and Professions Code (hereinafter, the "Code"), the Division of Medical Quality of the Board of Medical Quality Assurance is charged with the responsibility of enforcing the disciplinary provisions of the California Medical Practice Act.

8. Section 2234, subdivision (e) of the Code provides that unprofessional conduct includes the commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

9. Section 2236, subdivision (a) of the Code provides as follows:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"(b) The division may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a physician is

1 deemed to be a conviction within the meaning of this
2 section.

3 "(c) Discipline may be ordered in accordance with
4 section 2227, . . . when the time for appeal has elapsed,
5 or the judgment has been affirmed on appeal or when an
6 order granting probation is made suspending the imposition
7 of sentence, irrespective of a subsequent order under the
8 provisions of section 1203.4 of the Penal Code allowing
9 such person to withdraw his plea of guilty and to enter a
10 plea of not guilty, or setting aside the verdict of guilty,
11 or dismissing the accusation, information or indictment."

12 10. Section 490 of the Business and Professions Code
13 provides that a board within the Department of Consumer Affairs
14 may suspend or revoke a license on the ground that the licensee
15 has been convicted of a crime, if the crime is substantially
16 related to the qualifications, functions, or duties of the
17 business or profession for which the license was issued.

18 11. Pursuant to section 2234 of the Code, the
19 Division of Medical Quality shall take action against any
20 holder of a physician's and surgeon's certificate licensee who
21 is guilty with unprofessional conduct.

22 ADMITTED VIOLATIONS

23 12. The respondent's certificate as a physician and
24 surgeon is subject to disciplinary action pursuant to sections
25 2236(a) and 490 of the Code in that she has been convicted of a
26 crime which is substantially related to the qualifications,
27 functions and duties of the profession of medicine, to wit:

1 A. On or about October 22, 1984, before the Superior
2 Court of California for the County of Los Angeles, in
3 proceedings entiled "People of the State of California vs.
4 Carolyn Stevens Mohr," case number A-372395, the respondent
5 was convicted upon her plea of guilty to one count of
6 presenting false claims for reimbursement for psychotherapy
7 sessions, billed but not rendered at the Driftwood
8 Convalescent Hospital, Torrance, California, in violation
9 of Penal Code section 72, a misdemeanor, committed as
10 follows:

11 Count V: "That on or about September 19, 1979, at and
12 in the County of Los Angeles, State of California, the
13 crime of presenting a false claim, a violation of Penal
14 Code section 72, a misdemeanor, was committed by Carolyn
15 Stevens Mohr, M.D., who did willfully, unlawfully, and with
16 intent to defraud present for allowance and payment a false
17 and fraudulent claim, bill, account, voucher, and writing
18 to an officer of the State of California who was authorized
19 to pay said false and fraudulent claim, bill, account,
20 voucher, and writing if genuine; and that this count
21 pertains to Medi-Cal claim number [REDACTED] and Medi-
22 Cal recipient V [REDACTED] D [REDACTED]."

23 B. On November 26, 1984, the respondent was
24 sentenced as follows: Proceedings suspended, one year
25 probation on condition that the defendant:

26 "(1) Obey all laws, orders of the court, and rules and
27 regulations of the probation officer;

1 "(2) Make minimum payment of restitution to be
2 \$4,500.00. Make restitution through probation officer
3 in such amount and manner as he shall prescribe.
4 Total amount of restitution to include 2% service
5 charge as authorized by section 279 Welfare & Inst.
6 Code;

7 "(3) Formal probation is to revert to unsupervised
8 probation after payment of restitution is completed.
9 Probationer is to pay restitution fine of \$100
10 pursuant to 13967a Government Code through Probation
11 Department; said fine is stayed pending payment of
12 restitution as ordered, to be permanently stayed when
13 restitution is paid in full. Court finds the
14 probationer does not have the ability to pay cost of
15 probation supervision at the present time."

16 13. By reason of the foregoing facts, the respondent
17 has subjected her certificate to further disciplinary action
18 pursuant to section 2234, subdivision (e) of the Code in that
19 she has committed acts involving dishonesty or corruption which
20 are substantially related to the qualifications, functions, or
21 duties of a physician and surgeon.

22 IT IS FURTHER STIPULATED AND AGREED by and between the
23 parties to the above entitled proceeding that the Division of
24 Medical Quality, in recognition of the foregoing stipulated
25 facts, may issue the following disciplinary order:
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1 G. Tolling for Out-of-State Practice or Residence

2 In the event the respondent should leave California to reside
3 or to practice outside the state, he must notify the Division
4 in writing of the dates of departure and return. Periods of
5 residency or practice outside California will not apply to the
6 reduction of this probationary period.

7 H. Completion of Probation Upon successful
8 completion of probation, the respondent's certificate will be
9 fully restored.

10 I. Violation of Probation If the respondent
11 violates probation in any respect, the Division, after giving
12 him notice and the opportunity to be heard, may revoke
13 probation and carry out the disciplinary order that was
14 stayed. If an accusation or petition to revoke probation is
15 filed against the respondent during probation, the Division
16 shall have continuing jurisdiction until the matter is final,
17 and the period of probation shall be extended until the matter
18 is final.

19 CONTINGENCY

20 This stipulation shall be subject to the approval of
21 the Division of Medical Quality. If the Division fails to
22 approve this stipulation, it shall be of no force or effect for
23 either party, nor shall it be mentioned or referred to in any
24 legal action between the parties.

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AGREEMENT

I have read this document and I have fully discussed its terms with my legal counsel. I agree to the settlement and stipulations and I agree to be bound by the terms of the disciplinary order if it is adopted by the Division of Medical Quality.

Dated: July 16, 1986.

Carolyn S. Mohr, M.D.
CAROLYN S. MOHR, M.D.
Respondent

McDERMOTT & TRAYNER

Dated: 7-18, 1986.

James R. Lahana
JAMES R. LAHANA
Attorney for Respondent

ENDORSEMENT

The attached stipulation is hereby respectfully submitted for the consideration of the Division of Medical Quality.

JOHN K. VAN DE KAMP
Attorney General

Dated: July 22, 1986.

By Robert M. Bell
ROBERT MCKIM BELL
Deputy Attorney General

Attorneys for Complainant

REDACTED

1 JOHN K. VAN DE KAMP, Attorney General
ROBERT McKIM BELL,
2 Deputy Attorney General
California Department of Justice
3 3580 Wilshire Boulevard, Suite 800
Los Angeles, California 90010
4 Telephone: (213) 736-2045

5 Attorneys for Complainant

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8 BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA
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11 In the Matter of the Accusation) Case No. D-3471
Against:)
12)
CAROLYN STEVENS MOHR, M.D.) A C C U S A T I O N
13 5643 Chariton Avenue)
Los Angeles, California 90056)
14)
Physician & Surgeon Cert. No. A032065,)
15)
Respondent.)
16)

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18 The complainant alleges that:

19 PARTIES

20 1. The complainant, Kenneth J. Wagstaff, is the
21 Executive Secretary of the Division of Medical Quality of the
22 California Board of Medical Quality Assurance and brings this
23 action solely in his official capacity.

24 2. At all times since March 23, 1978, respondent
25 Carolyn Stevens Mohr, M.D. (hereinafter referred to as the
26 "respondent") has held physician's and surgeon's certificate
27 number A032065 issued by the Board of Medical Quality Assurance

1 permitting her to practice medicine in the State of California.

2 JURISDICTION

3 3. Pursuant to section 2004 of the Business and
4 Professions Code (hereinafter, the "Code"), the Division of
5 Medical Quality of the Board of Medical Quality Assurance is
6 charged with the responsibility of enforcing the disciplinary
7 provisions of the California Medical Practice Act.

8 4. Section 2234, subdivision (e) of the Code
9 provides that unprofessional conduct includes the commission of
10 any act involving dishonesty or corruption which is
11 substantially related to the qualifications, functions, or
12 duties of a physician and surgeon.

13 5. Section 2236, subdivision (a) of the Code
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16 related to the qualifications, functions, or duties of a
17 physician and surgeon constitutes unprofessional conduct
18 within the meaning of this chapter. The record of
19 conviction shall be conclusive evidence only of the fact
20 that the conviction occurred.

21 "(b) The division may inquire into the circumstances
22 surrounding the commission of the crime in order to fix the
23 degree of discipline or to determine if such conviction is
24 of an offense substantially related to the qualifications,
25 functions, or duties of a physician and surgeon. A plea or
26 verdict of guilty or a conviction following a plea of nolo
27 contendere made to a charge substantially related to the

1 qualifications, functions, or duties of a physician is
2 deemed to be a conviction within the meaning of this
3 section.

4 "(c) Discipline may be ordered in accordance with
5 section 2227, . . . when the time for appeal has elapsed,
6 or the judgment has been affirmed on appeal or when an
7 order granting probation is made suspending the imposition
8 of sentence, irrespective of a subsequent order under the
9 provisions of section 1203.4 of the Penal Code allowing
10 such person to withdraw his plea of guilty and to enter a
11 plea of not guilty, or setting aside the verdict of guilty,
12 or dismissing the accusation, information or indictment."

13 6. Section 490 of the Business and Professions Code
14 provides that a board within the Department of Consumer Affairs
15 may suspend or revoke a license on the ground that the licensee
16 has been convicted of a crime, if the crime is substantially
17 related to the qualifications, functions, or duties of the
18 business or profession for which the license was issued.

19 7. Pursuant to section 2234 of the Code, the
20 Division of Medical Quality shall take action against any
21 holder of a physician's and surgeon's certificate licensee who
22 is guilty with unprofessional conduct.

23 FIRST CAUSE OF ACTION
24 (Conviction of Substantially Related Crimes)

25 8. The respondent's certificate as a physician and
26 surgeon is subject to disciplinary action pursuant to sections
27 2236(a) and 490 of the Code in that she has been convicted of a

1 crime which is substantially related to the qualifications,
2 functions and duties of the profession of medicine, to wit:

3 A. On or about October 22, 1984, before the Superior
4 Court of California for the County of Los Angeles, in
5 proceedings entitled "People of the State of California vs.
6 Carolyn Stevens Mohr," case number A-372395, the respondent was
7 convicted upon her plea of guilty to one count of presenting
8 false claims for reimbursement for psychotherapy sessions,
9 billed but not rendered at the Driftwood Convalescent Hospital,
10 Torrance, California, in violation of Penal Code section 72, a
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13 in the County of Los Angeles, State of California, the crime of
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15 a misdemeanor, was committed by Carolyn Stevens Mohr, M.D., who
16 did willfully, unlawfully, and with intent to defraud present
17 for allowance and payment a false and fraudulent claim, bill,
18 account, voucher, and writing to an officer of the State of
19 California who was authorized to pay said false and fraudulent
20 claim, bill, account, voucher, and writing if genuine; and that
21 this count pertains to Medi-Cal claim number [REDACTED] and
22 Medi-Cal recipient V [REDACTED] D [REDACTED].

23 B. On November 26, 1984, the respondent was
24 sentenced as follows: Proceedings suspended, one year probation
25 on condition that the defendant:

26 (1) Obey all laws, orders of the court, and rules and
27 regulations of the probation officer;

1 (2) Make minimum payment of restitution to be
2 \$4,500.00. Make restitution through probation officer
3 in such amount and manner as he shall prescribe.

4 Total amount of restitution to include 2% service charge
5 charge as authorized by section 279 Welfare & Inst.
6 Code;

7 (3) Formal probation is to revert to unsupervised
8 probation after payment of restitution is completed.
9 Probationer is to pay restitution fine of \$100
10 pursuant to 13967a Government Code through Probation
11 Department; said fine is stayed pending payment of
12 restitution as ordered, to be permanently stayed when
13 restitution is paid in full. Court finds the
14 probationer does not have the ability to pay cost of
15 probation supervision at the present time.

16 SECOND CAUSE OF ACTION


17 (Commission of Acts Involving Dishonesty or Corruption,

18 9. By reason of the foregoing facts, the respondent
19 has subjected her certificate to disciplinary action pursuant
20 to section 2234, subdivision (e) of the Code in that she has
21 committed acts involving dishonesty or corruption which are
22 substantially related to the qualifications, functions, or
23 duties of a physician and surgeon.

1 PRAYER

2 WHEREFORE, the complainant prays that the Division of
3 Medical Quality of the Board of Medical Quality Assurance hold
4 a hearing on the matters herein alleged and, following that
5 hearing, take such disciplinary action against the respondent
6 as is provided for in section 2227 of the Code, and take such
7 other and further action as may be proper.

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9 Dated: February 25, 1986.

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12 
13 KENNETH J. WAGSTAFF
14 Executive ~~Secretary~~ Director
15 Board of Medical Quality Assurance
16 State of California

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Complainant